

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 33173 of 2004(Y)

PETITIONER:

**P.SANKARAN NAMBOOTHIRI, MELSANTHI(DAILY
WAGES BASIS), PERALASSERY SREE SUBRAMANYA SWAMI
TEMPLE, PAYYANNUR, KANNUR DISTRICT, R/A.
PUTHUKULAM ILLOM, KARIVALLOOR POST, KANNUR DIST.**

**BY ADV. SRI.T.K.VIPINDAS
SMT.P.K.PRIYA
SMT.PREM BINDU T.K.**

RESPONDENTS:

- 1. THE COMMISSIONER, HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT, DEPARTMENT (ADMN),
CIVIL STATION, KOZHIKODE.**
- 2. THE DEPUTY COMMISSIONER, HINDU RELIGIOUS
AND CHARITABLE ENDOWMENT, DEPARTMENT,(ADMN),
CIVIL STATION, KOZHIKODE.**
- 3. THE MANAGER, PERALASSERY SREE
SUBRAMANYA SWAMI TEMPLE, PAYYANNUR,
MUNDALLUR P.O. KANNUR DISTRICT.**
- 4. K.E.PARAMESWARAN THANGAL, TRUSTEE,
PERALASSERY SREE SUBRAMANYA SWAMI TEMPLE,'
PAYYANNUR, MUNDALLUR P.O. KANNUR DISTRICT.**
- 5. KUNNETHU APPUKUTTAN PODUVAL, TRUSTEE
PERALASSERY SREE SUBRAMANYA SWAMI TEMPLE,
PAYYANNUR, MUNDALLUR P.O. KANNUR DISTRICT.**
- 6. MANNATHU ILLATHU KRISHNAN THANGAL,
HEREDITARY TRUSTEE, PERALASSERY SREE SUBRAMANYA
SWAMI TEMPLE, PAYYANNUR, MUNDALLUR P.O.
KANNUR DISTRICT.**

7. **K.SREEDHARAN NAMBOODIRI, MELSANTHI
(NON-HEREDITARY) PERALASSERY SREE SUBRAMANYA
SWAMI TEMPLE, PAYYANNUR, MUNDALLUR P.O.
KANNUR DISTRICT.**
8. **M.E.VISHNU NAMBOOTHIRI, MELSANTHI OF
PERALASSERY SREE SUBRAMANYA SWAMI TEMPLE,
S/O.MARANGATTU ILLATHU ESSARAN NAMBOOTHIRI, R/A.
MARANGATTU ILLAM, PARACHERRY P.O. EAZHILODE,
KANNUR DISTRICT.**
9. **BRAHMA SREE E.HARIJAYANTHAN NAMBOOTHIRI
THANTHRI, PERALASSERY SREE SUBRAMANYA SWAMI TEMPLE
R/A. THICHAMBALAM, THALIPARAMBU,
KANNUR DISTRICT.**

**BY ADV. SRI.P.K.SURESH KUMAR FOR R3
SRI.K.P.SUDHEER
SRI.GOPAKUMAR R.THALIYAL FOR R8
SRI.EBY GEORGE
SRI.K.T.SHYAMKUMAR FOR R4
GOVERNMENT PLEADER SRI.BENNY GERVASIS FOR R1 AND 2**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 12.2.2004 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P2: TRUE COPY OF THE COMMUNICATION DATED 13.2.2004 ISSUED BY THE 3RD RESPONDENT TO P.S.SREENIVASAN NAMBOOTHIRI.

EXT.P3: TRUE COPY OF THE LIST OF ARTICLES HANDED OVER BY SRI.P.S.SREENIVASAN NAMBOOTHIRI TO THE PETITIONER DTD. 13.2.2004.

EXT.P4: TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT DATED 13.2.2004 ADDRESSED TO THE THANTHRI BRAHMASREE HARIJAYANTHAN NAMBOOTHIRI.

EXT.P5: TRUE COPY OF THE ORDER DTD.15.10.04 IN IA NO.2318/2004 IN WPC NO.4881/2004.

EXT.P6: TRUE COPY OF THE ORDER DATED 29.10.2004 CLARIFYING THE INTERIM ORDER GRANTED BY THIS HON'BLE COURT.

EXT.P7: TRUE COPY OF THE LETTER SENT BY THE PETITIONER TO THE 1ST RESPONDENT ON 3.11.04 WITNESSED BY TWO PERSONS AVAILABLE IN THE TEMPLE.

EXT.P8: TRUE COPY OF THE LETTER SENT BY THE PETITIONER TO THE 1ST RESPONDENT ON 5.11.04 WITNESSED BY TWO PERSONS.

EXT.P9: TRUE COPY OF THE REPRESENTATION DATED 5.11.2004 SENT BY THE PETITIONER TO THE 1ST AND 2ND RESPONDENT.

EXT.P10(a): TRUE COPY OF THE IMPEADING APPLICATION FILED BY THE 8TH RESPONDENT DATED 9.11.2004 IN WPC NO.4881/2004.

EXT.P10(b): TRUE COPY OF THE APPOINTMENT ORDER DATED 2.10.2004 ISSUED BY RESPONDENT NO.3 APPOINTING 8TH RESPONDENT.

EXHIBITS OF R3

EXT.R3(a): TRUE COPY OF THE ORDER PASSED BY THIS HON'BLE COURT ON 10.11.2004 IN WPC 4881/04.

EXT.R3(b): TRUE COPY OF THE ORDER DATED 8.2.2005 ISSUED BY MANAGER.

EXT.R3(c): TRUE COPY OF THE COMMUNICATION ISSUED BY HR & CE DEPARTMENT DT.16.9.2004.

EXT.R3(d): TRUE COPY OF THE COMPLAINT FORWARDED ALONG WITH EXT.R3(c) COMMUNICATION DT.31.7.2004.

EXT.R3(e): TRUE COPY OF THE JUDGMENT IN OP NO.17458/96 DT.13.10.99

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.P(C) NO. 33173 OF 2004

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Dated this the 20th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

The writ petition was preferred seeking a writ of mandamus directing the respondents 1 and 2 to invoke the powers under Section 20 and 57 of the Madras Hindu Religious and Charitable Endowment Act 1951 and to conduct an enquiry into the appointment of temporary melsanthi of Peralassery Sree Subramanya Swami Temple.

Counsel appearing for the 3rd respondent submitted that the matter has become infructuous, that statement has not been controverted by the petitioner. Hence this writ petition is dismissed as infructuous.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp